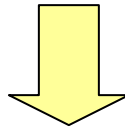


Family Law

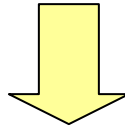
**PETITION FOR
DISSOLUTION, LEGAL SEPARATION OR NULLITY**

4 STEPS:

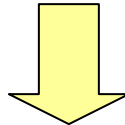
STEP 1. COMPLETING THE PAPERWORK.



STEP 2. FILING THE FORMS.



STEP 3. SERVING THE DOCUMENTS.



STEP 4. FILING THE PROOF OF SERVICE.

PETITION FOR DISSOLUTION, LEGAL SEPARATION OR NULLITY (CONTINUED)

STEP 1. COMPLETING THE PAPERWORK

STANDARD FORMS THAT ARE REQUIRED

- ☐ Form FL-110, **Summons** (2 pages)
- ☐ Form FL-100, **Petition** (2 pages)
- ☐ Form FL-120, **Response** (2 pages)
(Leave this form blank – it is to be served on your spouse)
- ☐ Form FL-115, **Proof of Service of Summons** (2 pages)
(This form is to be completed **after** the above documents are served on your spouse)

If minor children (those under age 18) are involved:

- ☐ Form FL-105, **Declaration Under Uniform Child Custody Jurisdiction and**
- ☐ **Enforcement Act (UCCJEA)** (2 pages)
(Use **only** if there are minor children involved)
- ☐ Form FL-105.3c **Attachment to Declaration Under Uniform Child Jurisdiction and**
- ☐ **Enforcement Act (UCCJEA)** (1 page) [Use this form if more than 2 children are involved in this case]

The forms can be typed or completed in
black ink, neatly and clearly.

PETITION FOR DISSOLUTION, LEGAL SEPARATION OR NULLITY (CONTINUED)

STEP 2. FILING THE FORMS

MAKE 2 COPIES OF THESE FORMS:

- ☐ Form FL-110, **Summons** (2 pages)
- ☐ Form FL-100, **Petition** (2 pages)
- ☐ Form FL-105, **Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)** (2 pages) (Only if minor children are involved)
- ☐ Form FL-105.3c **Attachment to Declaration Under Uniform Child Jurisdiction and Enforcement Act (UCCJEA)** (1 page) [Use this form if more than 2 children are involved in this case]

SUBMIT FORMS & FILING FEES TO THE CLERK:

- ☐ **Submit to the Clerk the original and 2 copies** of each of the above forms.
- ☐ **Submit the \$230 First Filing Fee**, unless you qualify for a “fee waiver.” (*See Fee Waiver packet.*)
- ☐ The Clerk will **file-stamp the copies.**
- ☐ The Clerk will **keep the original** of these forms and will **return the other 2 copies to you.**

DO THIS WITH THE COPIES:

- ☐ **Keep one copy** for your files.
- ☐ Have **one copy served on your spouse.** (*See Step 3 on next page.*)

Note: all documents that must be filed **can be filed at any of the following locations :**

- The Clerk’s Office, 4th Floor,
Downtown Courthouse
- Any of the outlying courts in Fresno County

PETITION FOR DISSOLUTION, LEGAL SEPARATION OR NULLITY (CONTINUED)

STEP 3. SERVING THE DOCUMENTS

SERVE THESE FORMS TO YOUR SPOUSE (THE “RESPONDENT”):

Have your spouse served with a **stamped copy of each of the following forms** :

- ☐ Form FL-110, **Summons** (2 pages)
- ☐ Form FL-100, **Petition** (2 pages)
- ☐ Form FL-105, **Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)** (2 pages) (Only if minor children are involved)
- ☐ Form FL-105.3c **Attachment to Declaration Under Uniform Child Jurisdiction and Enforcement Act (UCCJEA)** (1 page) [Use this form if more than 2 children are involved in this case]
- ☐ Form FL-120, **Response** (2 pages) (This form is left blank.)

Note: All of these documents must be personally served on the Respondent (your spouse) by someone other than you, who is over 18, and not a party to the case.

HAVE THE PROCESS SERVER COMPLETE THE “PROOF OF SERVICE” FORM:

The **person who serves the documents must then complete and sign the Proof of Service form**, listing every document that was served (including the blank forms):

- ☐ Form FL-115, **Proof of Service of Summons** (2 pages)

PETITION FOR DISSOLUTION, LEGAL SEPARATION OR NULLITY (CONTINUED)

STEP 4. FILING THE PROOF OF SERVICE

Once all the documents have been served on the Respondent (your spouse), and the “Proof of Service” has been completed:

RETURN THE COMPLETED AND SIGNED FORM TO THE COURT FOR FILING:

- ☐ Form FL-115, **Proof of Service of Summons** (2 pages)

Note: all documents that must be filed **can be filed at any of the following locations :**

- The Clerk’s Office, 4th Floor,
Downtown Courthouse
- Any of the outlying courts in Fresno County

FL-110

SUMMONS (FAMILY LAW)

NOTICE TO RESPONDENT (Name: 1)
AVISO AL DEMANDADO (Nombre: 1)

You are being sued. A usted lo están demandando.

PETITIONER'S NAME IS: 2
EL NOMBRE DEL DEMANDANTE ES:

CASE NUMBER (Número del Caso):

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

You have **30 CALENDAR DAYS** after this Summons and Petition are served on you to file a Response (form FL-120) at the court and have a copy served on the petitioner. A letter or phone call will not protect you.

If you do not file your Response on time, the court may make orders affecting your marriage, your property, and custody of your children. You may be ordered to pay support and attorney fees and costs. If you cannot pay the filing fee, ask the clerk for a fee waiver form.

If you want legal advice, contact a lawyer immediately. **3**

Usted tiene **30 DIAS CALENDARIOS** después de recibir oficialmente esta citación judicial y petición, para completar y presentar su formulario de Respuesta (Respuesta form FL-120) ante la corte. Una carta o una llamada telefónica no le ofrecerá protección.

Si usted no presenta su Respuesta a tiempo, la corte puede expedir órdenes que afecten su matrimonio, su propiedad y que ordenen que usted pague mantención, honorarios de abogado y las costas. Si no puede pagar las costas por la presentación de la demanda, pida al actuario de la corte que le dé un formulario de exoneración de las mismas (Waiver of Court Fees and Costs).

Si desea obtener consejo legal, comuníquese de inmediato con un abogado.

NOTICE The restraining orders on the back are effective against both husband and wife until the petition is dismissed, a judgment is entered, or the court makes further orders. These orders are enforceable anywhere in California by any law enforcement officer who has received or seen a copy of them.

AVISO Las prohibiciones judiciales que aparecen al reverso de esta citación son efectivas para ambos cónyuges, tanto el esposo como la esposa, hasta que la petición sea rechazada, se dicte una decisión final o la corte expida instrucciones adicionales. Dichas prohibiciones pueden hacerse cumplir cualquier parte de California por cualquier agente del orden público que las haya recibido o que haya visto una copia de ellas.

4

1. The name and address of the court is (El nombre y dirección de la corte es):

5

2. The name, address, and telephone number of petitioner's attorney, or petitioner without an attorney, is (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

6

Date (Fecha)

7

Clerk (Actuario), by _____, Deputy

[SEAL]

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual, or

2. ☐ on behalf of respondent who is a ☐ minor ☐ other: **8**

(Read the reverse for important information.)
(Lea el reverso para obtener información de importancia.)

Form Adopted for Mandatory Use
Judicial Council of California
FL-110 (Rev. January 1, 2003)

**SUMMONS
(Family Law)**

Family Code, §§ 232, 233, 2040, 7760;
Code of Civil Procedure, §§ 412.20, 416.99-416.99;
www.courtinfo.ca.gov

How to fill out

SUMMONS (FL-110)

DIRECTIONS:

- Find a number on the sample form
Example: 1
- Go to the same number below to find out how to complete the form
- Type or print in black ink
- If you know the CASE NUMBER fill it in. If not known, leave it blank.

- 1** Write the name of your spouse (husband or wife). This form will be served (given in person) to your spouse.
- 2** Write your name here.
- 3** There is nothing to fill out here, but you should read these sections carefully.
- 4** If not filled in for you, write in the Court's address. The address is: 1100 Van Ness Ave., Fresno CA 93724-0002. The Branch Name is: Central Branch.
- 5** Fill in your name, address, city, state and zip, and telephone number (if you have one).
- 6** Do not write here.
- 7** Do not write here.
- 8** Check box 1 if your spouse is NOT a minor or ward of the court. Otherwise, check box 2.

SUMMONS (FL-110)

- page two -

**** SEE NOTE BELOW ****

WARNING—IMPORTANT INFORMATION

WARNING: California law provides that, for purposes of division of property upon dissolution of marriage or legal separation, property acquired by the parties during marriage in joint form is presumed to be community property. If either party to this action should die before the jointly held community property is divided, the language of how title is held in the deed (i.e., joint tenancy, tenants in common, or community property) will be controlling and not the community property presumption. You should consult your attorney if you want the community property presumption to be written into the recorded title to the property.

STANDARD FAMILY LAW RESTRAINING ORDERS

Starting immediately, you and your spouse are restrained from

1. removing the minor child or children of the parties, if any, from the state without the prior written consent of the other party or an order of the court;
2. cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage including life, health, automobile, and disability held for the benefit of the parties and their minor child or children;
3. transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, without the written consent of the other party or an order of the court, except in the usual course of business or for the necessities of life; and
4. creating a nonprobate transfer or modifying a nonprobate transfer in a manner that affects the disposition of property subject to the transfer, without the written consent of the other party or order of the court. Before revocation of a nonprobate transfer can take effect, or a right of survivorship to property can be eliminated, notice of the change must be filed and served on the other party.

You must notify each other of any proposed extraordinary expenditures at least five business days prior to incurring these extraordinary expenditures and account to the court for all extraordinary expenditures made after these restraining orders are effective. However, you may use community property, quasi-community property, or your own separate property to pay for an attorney to help you or pay for court costs.

ADVERTENCIA-INFORMACION IMPORTANTE EN ESPAÑOL

ADVERTENCIA: Para los efectos de la división de bienes al momento de una separación legal o de la disolución de un matrimonio, las leyes de California disponen que se presuman como bienes de la sociedad conyugal aquéllos adquiridos en forma conjunta por las partes durante el matrimonio. Si cualquiera de las partes de esta acción muriese antes de que se dividan los bienes en tenencia conjunta de la sociedad conyugal, prevalecerá el lenguaje relativo a la tenencia de los derechos de propiedad contenido en la escritura—como, por ejemplo, copropiedad con derechos de sucesión (joint tenancy), tenencia en común (tenants in common) o bienes de la sociedad conyugal (community property)—y no la presunción de que los bienes son de la sociedad conyugal. Usted debe consultar a su abogado o abogada si desea que la presunción de que los bienes son de la sociedad conyugal se especifique en el título de propiedad inscrito.

PROHIBICIONES JUDICIALES ESTANDARES—DERECHO DE FAMILIA

A usted y a su cónyuge se les prohíbe

1. que saquen del estado al hijo o hijos menores de las partes, si los hay, sin el consentimiento previo por escrito de la otra parte o sin una orden de la corte; y
2. que cobren en efectivo, usen como colateral para préstamos, cancelen, transfieran, descontinúen o cambien los beneficiarios de, cualquier póliza de seguro u otras coberturas de seguro, inclusive los de vida, salud, automóvil e incapacidad mantenido para el beneficio de las partes y su hijo o hijos menores; y
3. que transfieran, graven, hipotequen, escondan o de cualquier otra manera enajenen cualquier propiedad mueble o inmueble, ya sean bienes de la sociedad conyugal, quasi conyugales o bienes propios de los cónyuges, sin el consentimiento por escrito de la otra parte o sin una orden de la corte, excepto en el curso normal de los negocios o para atender a las necesidades de la vida; y
4. crear una transferencia no incluida en el procedimiento sucesorio o modificar una transferencia no incluida en el procedimiento sucesorio de manera tal que afecte la disposición de los bienes sujetos a la transferencia, sin el consentimiento por escrito de la otra parte o una orden del tribunal. Antes de que la revocación de una transferencia no incluida en el procedimiento sucesorio pueda entrar en vigor, o de que el derecho de supervivencia a los bienes se pueda eliminar, se debe presentar un aviso del cambio al tribunal, y dicho aviso se debe entregar a la otra parte.

Ustedes deben notificarse entre sí sobre cualquier gasto extraordinario propuesto, por lo menos con cinco días de antelación a la fecha en que se van a incurrir dichos gastos extraordinarios y responder ante la corte por todo gasto extraordinario hecho después de que estas prohibiciones judiciales entren en vigor. Sin embargo, nada de lo contenido en las prohibiciones judiciales le impedirá que use bienes de la sociedad conyugal para pagar honorarios razonables de abogados con el fin de obtener representación legal durante el proceso.

NOTE:

There is nothing to fill out on this page. You should carefully read the information on this page.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): <div style="text-align: center;">1</div> TELEPHONE NO. (Optional): FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FOR COURT USE ONLY	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:			
MARRIAGE OF PETITIONER: RESPONDENT:			
PETITION FOR <input type="checkbox"/> Dissolution of Marriage <input type="checkbox"/> Legal Separation <input type="checkbox"/> Nullity of Marriage <div style="text-align: center;">4</div> <input type="checkbox"/> AMENDED		CASE NUMBER:	

1. RESIDENCE (Dissolution only) ☐ Petitioner ☐ Respondent has been a resident of this state for at least 6 months and of this county for at least three months immediately preceding the filing of this *Petition for Dissolution of Marriage*. **5**

2. STATISTICAL FACTS

- a. Date of marriage: **6** c. Period between marriage and separation
 b. Date of separation: Years: Months:

3. DECLARATION REGARDING MINOR CHILDREN (include children of this relationship born prior to or during the marriage or adopted during the marriage):

- a. ☐ There are no minor children. **7**
 b. ☐ The minor children are:
 Child's name Birth date Age Sex

☐ Continued on Attachment 3b.

c. If there are minor children of the Petitioner and Respondent, a completed Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (form FL-106) must be attached.

d. ☐ A completed voluntary declaration of paternity regarding minor children born to the Petitioner and Respondent prior to the marriage is attached.

4. ☐ **8** Petitioner requests confirmation as separate property assets and debts the items listed in Attachment 4 ☐ below:
 Item Confirm to

NOTICE: Any party required to pay child support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.

How to fill out

PETITION (FL-100)

DIRECTIONS:

- Find a number on the sample form.
Example: **1**
- Go to the same number below to find out how to fill out the form
- Type or print in black ink
- If you know the CASE NUMBER fill it in. If not known, leave it blank.

- 1** Write your name and address. You may fill in your phone number, email and fax if you want to.
- 2** If not filled in for you, write "Fresno" after COUNTY OF. The address is: 1100 Van Ness Ave., Fresno CA 93724-0002. The Branch Name is: Central Branch.
- 3** Write your name after "Petitioner." Write your spouse's name after "Respondent." Spouse means husband or wife.
- 4** Check one box. "Dissolution of marriage" means divorce. "Legal Separation" means the parties will not live together, but the marriage will not end. "Nullity of marriage" means annulment.
- 5** You must have lived in California for the past 6 months, and in Fresno County for the past 3 months, to file this petition in Fresno County. Check Petitioner.
- 6** Write the date of your marriage (a), the date you separated (b), and how many years and months between the marriage and separation. (Letter (c))
- 7** If you have no children with your spouse, check box a. If you and your spouse have children, check b. List their names, birthdays, ages, and if a male or female. If you need more space, check "Continued on Attachment 3b." Use another piece of paper and write Attachment 3b on it.
- 8** "Separate property" means things bought before the marriage or after the husband and wife separated. Debts (money owed) can also be separate property. Check "below" and list separate property under Item. Write Petitioner or Respondent under Confirm to. If you need more space check "in Attachment 4." Use another piece of paper and write Attachment 4 on it.

PETITION (FL-100)

- page two -

DIRECTIONS:

- Find a number on the sample form
Example: 10
- Go to the same number below to find out how to fill out the form
- Type or print in black ink
- If you know the CASE NUMBER fill it in. If not known, leave it blank.

MARRIAGE OF (last name, first name of parties): 9	CASE NUMBER:
---	--------------

10 DECLARATION REGARDING COMMUNITY AND QUASI-COMMUNITY ASSETS AND DEBTS AS CURRENTLY KNOWN

a. ☐ There are no such assets or debts subject to disposition by the court in this proceeding.
 b. ☐ All such assets and debts have been disposed of by written agreement.
 c. ☐ All such assets and debts are listed ☐ in Attachment 5c ☐ below (specify):

11 6. **Petitioner requests**

a. ☐ Dissolution of the marriage based on
 (1) ☐ irreconcilable differences. Fam. Code, § 2310(a)
 (2) ☐ incurable insanity. Fam. Code, § 2310(b)
 b. ☐ Legal separation of the parties based on
 (1) ☐ irreconcilable differences. Fam. Code, § 2310(a)
 (2) ☐ incurable insanity. Fam. Code, § 2310(b)
 c. ☐ Nullity of void marriage based on
 (1) ☐ incestuous marriage. Fam. Code, § 2200
 (2) ☐ bigamous marriage. Fam. Code, § 2201
 d. ☐ Nullity of voidable marriage based on
 (1) ☐ Petitioner's age at time of marriage. Fam. Code, § 2210(a)
 (2) ☐ prior existing marriage. Fam. Code, § 2210(b)
 (3) ☐ unsound mind. Fam. Code, § 2210(c)
 (4) ☐ fraud. Fam. Code, § 2210(d)
 (5) ☐ force. Fam. Code, § 2210(e)
 (6) ☐ physical incapacity. Fam. Code, § 2210(f)

12 7. **Petitioner requests that the court grant the above relief and make injunctive (including restraining) and other orders as follows:**

	Petitioner	Respondent	Joint	Other
a. Legal custody of children to	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Physical custody of children to	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Child visitation be granted to	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(1) <input type="checkbox"/> Supervised for	<input type="checkbox"/>	<input type="checkbox"/>		
(2) <input type="checkbox"/> No visitation for	<input type="checkbox"/>	<input type="checkbox"/>		
(3) <input type="checkbox"/> Continued on Attachment 7c(3).				
d. <input type="checkbox"/> Determination of parentage of any children born to the Petitioner and Respondent prior to the marriage.	<input type="checkbox"/>	<input type="checkbox"/>		
e. Spousal support payable to (earnings assignment will be issued).	<input type="checkbox"/>	<input type="checkbox"/>		
f. Attorney fees and costs payable by	<input type="checkbox"/>	<input type="checkbox"/>		
g. <input type="checkbox"/> Terminate the court's jurisdiction (ability) to award spousal support to Respondent.				
h. <input type="checkbox"/> Property rights be determined.				
i. <input type="checkbox"/> Petitioner's former name be restored (specify):				
j. <input type="checkbox"/> Other (specify):				
<input type="checkbox"/> Continued on Attachment 7j.				

13 8. If there are minor children born to or adopted by the Petitioner and Respondent before or during this marriage, the court will make orders for the support of the children. An earnings assignment will be issued without further notice.

13 9. **I HAVE READ THE RESTRAINING ORDERS ON THE BACK OF THE SUMMONS, AND I UNDERSTAND THAT THEY APPLY TO ME WHEN THIS PETITION IS FILED.**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME) 14	(SIGNATURE OF PETITIONER)
Date:	
(TYPE OR PRINT NAME) 15	(SIGNATURE OF ATTORNEY FOR PETITIONER)

NOTICE: Dissolution or legal separation may automatically cancel the rights of a spouse under the other spouse's will, trust, retirement benefit plan, power of attorney, pay on death bank account, transfer on death vehicle registration, survivorship rights to any property owned in joint tenancy, and any other similar thing. It does not automatically cancel the right of a spouse as beneficiary of the other spouse's life insurance policy. You should review these matters, as well as any credit cards, other credit accounts, insurance policies, retirement benefit plans, and credit reports to determine whether they should be changed or whether you should take any other actions. However, some changes may require the agreement of your spouse or a court order (see Family Code sections 231-235).

FL-100 (Rev. January 1, 2003) PETITION (Family Law) Page 2 of 2

9 Write out first and last names for you and for your spouse.

10 Check:

- a. if you and your spouse have no assets (property) or debts (money you owe),
- b. if you already have a written agreement, or
- c. if you have not yet divided (separated) assets and debts.

Write assets and debts in the space provided and check "below" OR check "in Attachment 5c" if you need more space (use another piece of paper and write Attachment 5c at the top). List all property and debts you and your spouse got together or alone during the marriage. It does not have to be listed as "joint" property.

11 Check a. (1) for a divorce. Check b. (1) for a legal separation. Check c. for a Nullity and either (1) or (2) (most check #2).

12 Check all boxes for what you want the court to decide, but only one box for each line: "Petitioner" (you), "Respondent" (your spouse), or "Joint" (both share), or "Other".

- For c. you can check either box if you want the other party to visit, or check both boxes if parents are going to share the same amount of time with the child.
- If you have other items you want the court to decide, write them on a separate piece of paper. Write Attachment 7j at the top of this page.

13 If you and your spouse have children born or adopted by you both, the court will order child support. You do not need to write anything here.

14 Type or print your full name to the left; sign your full name to the right.

15 Leave this blank unless you have an attorney (lawyer).

SHORT TITLE: 16	CASE NUMBER:
--	--------------

17 4. Have you participated as a party or a witness or in some other capacity in another litigation or custody proceeding, in California or elsewhere, concerning custody of a child subject to this proceeding?
☐ No ☐ Yes (If yes, provide the following information:)

a. Name of each child:

b. Capacity of declarant: ☐ party ☐ witness ☐ other (specify):

c. Court (specify name, state, location):

d. Court order or judgment (date):

18 5. Do you have information about a custody proceeding pending in a California court or any other court concerning a child subject to this proceeding, other than that stated in item 4?
☐ No ☐ Yes (If yes, provide the following information:)

a. Name of each child:

b. Nature of proceeding: ☐ dissolution or divorce ☐ guardianship ☐ adoption ☐ other (specify):

c. Court (specify name, state, location):

d. Status of proceeding:

19 6. Do you know of any person who is not a party to this proceeding who has physical custody or claims to have custody or visitation rights with any child subject to this proceeding?
☐ No ☐ Yes (If yes, provide the following information:)

a. Name and address of person <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights Name of each child	b. Name and address of person <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights Name of each child	c. Name and address of person <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights Name of each child
---	---	---

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 20 _____

(TYPE OR PRINT NAME) ▶ (SIGNATURE OF DECLARANT)

21 7. ☐ Number of pages attached after this page:

NOTICE TO DECLARANT: You have a continuing duty to inform this court if you obtain any information about a custody proceeding in a California court or any other court concerning a child subject to this proceeding.

FL-105/GC-120 (Rev. January 1, 2003) DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA) Page 2 of 2

DECLARATION (FL-105)

- page two -

DIRECTIONS:

- ▶ Find the number on the sample form. *Example:* 16
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink.
- ▶ If you know the CASE NUMBER fill it in. If not known, leave it blank.

- 16** Write Petitioner's last name v. Respondent's last name. *Example:* Smith v. Smith
- 17** Check yes if you have ever been part of any legal case (in California or anywhere else) for custody of any child in this case.
 - If you check yes, fill out a. through d.
 - "Capacity of Declarant" asks if were you part of the case, a witness (called to testify/speak about the case), or in some other way involved.
- 18** Check yes if you know something about any pending (waiting for decision) custody case involving any child in this case.
 - If yes, fill out a. through d.
 - "Nature of proceeding" means type of case.
 - In "Status of proceeding" write what is now happening.
- 19** Give information about any person (other than you or your spouse) that the child lives with now, or thinks that they have custody or visiting rights.
- 20** Type or print your name (first, middle, last) on the line to the left, sign your name on the right.
- 21** Write in the number of pages that follow this one if you used any added pages to give more information.

DECLARATION (FL-105) – Attachment 3c

Child's name <input type="checkbox"/> Residence information is the same as given above for child a. (If NOT the same, provide the information below.)		Place of birth	Date of birth	Sex
Period of residence to present	Address <input type="checkbox"/> Confidential	Person child lived with (name and present address)		Relationship
to				
to				
to				
to				

Child's name <input type="checkbox"/> Residence information is the same as given above for child a. (If NOT the same, provide the information below.)		Place of birth	Date of birth	Sex
Period of residence to present	Address <input type="checkbox"/> Confidential	Person child lived with (name and present address)		Relationship
to				
to				
to				
to				

Child's name <input type="checkbox"/> Residence information is the same as given above for child a. (If NOT the same, provide the information below.)		Place of birth	Date of birth	Sex
Period of residence to present	Address <input type="checkbox"/> Confidential	Person child lived with (name and present address)		Relationship
to				
to				
to				
to				

Attachment 3c

DECLARATION UNDER

UNIFORM CHILD CUSTODY JURISDICTION ACT (UCC/JA)

FLFO

Martin County Superior Courts™
MD-105C

- 15** Use this page if there are more than 2 children. Fill out the same way you did for the first two children. Ask for more forms if needed.

1282

ATTORNEY OR PARTY WITHOUT ATTORNEY (Print, state bar number, and address)		FOR COURT USE ONLY	
TELEPHONE NO. (Optional) FAX NO. (Optional) E-MAIL ADDRESS (Optional) ATTORNEY'S FIRM (Optional)			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF			
STREET ADDRESS MAILING ADDRESS CITY AND ZIP CODE JUDICIAL NAME			
MARRIAGE OF PETITIONER:			
RESPONDENT			
RESPONSE <input type="checkbox"/> and REQUEST FOR <input type="checkbox"/> Dissolution of Marriage <input type="checkbox"/> Legal Separation <input type="checkbox"/> Nullity of Marriage <input type="checkbox"/> AMENDED		CASE NUMBER	

1. RESIDENCE (Dissolution only) ☐ Petitioner ☐ Respondent has been a resident of this state for at least six months and of this county for at least three months immediately preceding the filing of the Petition for Dissolution of Marriage.

2. STATISTICAL FACTS:

a. Date of marriage: _____ c. Period between marriage and separation
 Years: _____ Months: _____

b. Date of separation: _____

3. DECLARATION REGARDING MINOR CHILDREN (include children of this relationship born prior to or during the marriage or adopted during the marriage):

a. ☐ There are no minor children.

b. ☐ The minor children are:

Child's name	Birth date	Age	Sex

c. ☐ Continued on Attachment 3b.

c. ☐ If there are minor children of the petitioner and respondent, a completed Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCC/JEA) (form MC-150) must be attached.

d. ☐ A completed voluntary declaration of paternity regarding minor children born to the Petitioner and Respondent prior to the marriage is attached.

4. ☐ Respondent requests confirmation as separate property assets and debts the items listed

☐ in Attachment 4 ☐ below: _____ Confirm to: _____

NOTICE: Any party required to pay child support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.

Form Adopted for Mandatory Use
 Judicial Council of California
 Rule 1282 (Rev. January 1, 2017)

(Continued on reverse)
RESPONSE
 (Family Law)

Family Code § 2000
 Cal. Rules of Court, rule 1215

How to fill out

RESPONSE (FL-120)

DIRECTIONS

- ▶ Leave this page blank.
- Respondent fills out this form.

Leave this form blank. This form is served on Repondent. Respondent fills out this form.

How to fill out

PROOF OF SERVICE OF SUMMONS (FL-115)

DIRECTIONS

- ▶ Find the number on the sample form.
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink.
- ▶ If you know the CASE NUMBER, fill it in. If not known, leave it blank.

ATTORNEY FOR PARTY WITHOUT ATTORNEY (Print, full name, and address)		FOR COURT USE ONLY
<p>TELEPHONE (Optional) 1</p> <p>E-MAIL ADDRESS (Optional)</p> <p>ATTORNEY FOR PARTY</p>		
<p>2</p> <p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</p> <p>STREET ADDRESS</p> <p>CITY AND ZIP CODE</p> <p>COURT NAME</p>		
<p>3</p> <p>PETITIONER</p> <p>RESPONDENT</p>		
<p>PROOF OF SERVICE OF SUMMONS</p>		<p>CASE NUMBER</p>

1. At the time of service, I was at least 18 years of age and not a party to this action. I served the respondent with copies of:

a. ☐ Family Law: Petition (form FL-100), Summons (form FL-103), and blank Response (form FL-120)

-OR-

b. ☐ Uniform Parentage: Petition to Establish Parental Relationship (form FL-200), Summons (form FL-210), and blank Response to Petition to Establish Parental Relationship (form FL-220)

-OR-

c. ☐ Custody and Support: Petition for Custody and Support of Minor Children (form FL-260), Summons (form FL-270), and blank Response to Petition for Custody and Support of Minor Children (form FL-273)

and

d. ☐ (1) ☐ completed and blank Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (form FL-105) (2) ☐ completed and blank Financial Statement (Simplified) (form FL-150)

(2) ☐ completed and blank Declaration of Disclosure (form FL-140) (3) ☐ completed and blank Property Declaration (form FL-149)

(4) ☐ completed and blank Schedule of Assets and Debts (form FL-142) (5) ☐ Order to Show Cause (form FL-300), Application for Order and Supporting Declaration (form FL-310), and blank Responsive Declaration to Order to Show Cause or Notice of Motion (form FL-320)

(6) ☐ completed and blank Income and Expense Declaration (form FL-150) (7) ☐ Other (specify):

2. Address where respondent was served

3. I served the respondent (check proper box):

a. ☐ Personal service by personally delivering the copies to the respondent (Code Civ. Proc., § 415.10) (1) on (date): (2) at (time):

b. ☐ Substituted service by leaving the copies with or in the presence of (name and title or relationship to respondent):

(1) ☐ (business) a person at least 18 years of age apparently in charge of the office or usual place of business of the respondent. I informed him or her of the general nature of the papers.

(2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the respondent. I informed him or her of the general nature of the papers.

Page 1 of 2

PROOF OF SERVICE OF SUMMONS
 (Family Law, Uniform Parentage, Custody and Support)

Form Approved by Official Use
 State of California
 FL-115 (Rev. Jan. 2015)

- 1** Write your name and address. You may write your phone, e-mail address and fax number.
- 2** Write “Fresno” after COUNTY OF. The address is 1100 Van ness Ave., Fresno, CA 93724-0002. The Branch Name is: Central Branch
- 3** Write the full names (first, middle, last) of the parties. You are the “Petitioner” if you have started a case. You are the “Respondent” if another person started the case against you.
- 4** Check the box that applies to you. Check “Family Law” if you are married, “Uniform Parentage” if you are unmarried, and “Custody and Support” if you are married or unmarried and only requesting custody/visitation/support orders.
- 5** Check the boxes of the forms that you are serving on the other party. If there are additional forms, write the form names under “Other”.

The rest of this form is filled out by the person who serves the party for you. You can’t serve the other party yourself. Someone who is over the age of 18 must PERSONALLY serve the other party. That person will complete the rest of this PROOF OF SERVICE.

- 6** Write the address where the Respondent was served.
- 7** If you were able to have the Respondent personally served, check the box for “Personal Service”. The person that served your papers for you will write in the date and time they served the papers. If they were unable to serve the papers personally, but tried on at least 3 different dates and times, and were able to give them to another adult at that address, check “Substitute Service” and check boxes (1) or (2).

How to fill out
**PROOF OF SERVICE
OF SUMMONS
(FL-115)**

Page 2

DIRECTIONS

(Continued from page 1)

PETITIONER RESPONDENT	PAGE NUMBER <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div>
--------------------------	--

3. b. ☐ (3) on (date) at (time)

9 (4) I hereafter mailed (by first-class, postage prepaid) copies to the respondent at the place where the copies were left. (Code Civ. Procedure 415.20(b) on (date).

(5) A declaration of diligence is attached stating actions taken to first attempt personal service.

c. ☐ **Mail and acknowledgment service** by mailing the copies to the respondent, addressed as shown in item 2, by first-class mail, postage prepaid,

10 (1) on (date); (2) from (city):

(3) ☐ with two copies of the Notice and Acknowledgment of Receipt (form 902)(a)(4) and a postage paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt (form 902)(a)(4).) (Code Civ. Procedure, § 415.34)

(4) ☐ to an address outside California (by registered or certified mail with return receipt requested). (Attach signed return receipt or other evidence of actual delivery to the respondent.) (Code Civ. Procedure, § 415.40)

d. ☐ **other** (specify code section):

☐ Additional page is attached.

4. The NOTICE TO THE PERSON SERVED on the summons was completed as follows (Code Civ. Procedure, §§ 412.30, 415.10, and 475):

11 a. ☐ as an individual

b. ☐ on behalf of respondent who is a:

☐ Individual (Code Civ. Procedure § 416.90) ☐ Ward or Conservatee (Code Civ. Procedure § 416.70)

☐ Minor (Code Civ. Procedure § 416.60) ☐ Other (specify):

5. **Person who served papers:**

Name: _____

Address: _____

12 Telephone number: _____

I am:

a. ☐ Exempt from registration under Business and Professions Code section 22350(b).

b. ☐ Not a registered California process server.

13 c. ☐ Registered California process server.

(1) ☐ Employee or independent contractor.

(2) Registration no. _____

(3) County: _____

d. The fee for service was: \$ _____

6. ☐ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

7. ☐ I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

14 Date: _____

(NAME OF PERSON WHO SERVED PAPERS)

(SIGNATURE OF PERSON WHO SERVED PAPERS)

FL-115 (Rev. January 1, 2010) **PROOF OF SERVICE OF SUMMONS** Page 2 of 2
 (Family Law, Uniform Parentage, Custody and Support)

- 8 Write the name of the Petitioner and the Respondent.
- 9 If the Respondent was served by "Substitute Service", write in the date and time the papers were left with the adult at the Respondent's home or business. (You must then mail a copy of the same papers addressed to the Respondent at the home or business described).
- 10 If the Respondent agreed to sign a "Notice and Acknowledgment of Receipt" of the Summons and Petition, and signed and returned this form after being mailed a copy, check box 3(c), fill in the date and place from which the forms were mailed, and then check (3) or (4).
- 11 Check box 4(a).
- 12 Write in the name, address and phone number of the person who gave the papers to the Respondent.
- 13 If the person who delivered the papers is not a sheriff or registered process server, check box 5b and 6.
- 14 The person who served the papers will date, print and sign his name.